IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.437 OF 2007.
IN
SECOND APPEAL NO.509 OF 1999.

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Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

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Shri M.R.Suryawanshi for the Applicant.
Shri Amit Borkar for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : 21st November, 2007.

P.C.:

1. Heard Shri Suryawanshi for the applicant and Shri Borkar for the respondent. The applicant claims to be the legal representative of the original respondent in the Second Appeal. The respondent in this application is the appellant in the Second Appeal. The appellant in the Second Appeal is one of the two daughters of the respondent in the Second Appeal. The prayer in this application is for a direction against the respondent (appellant in the Second Appeal) to substitute the name of the applicant in place of the deceased respondent in the Second Appeal.

2. There is an application being Civil Application No.436 of 2007 filed by the appellant

in the Second Appeal contending that as a result of death of the respondent, the Second Appeal must be allowed and suit filed by the respondent must be dismissed. By a separate order passed today, the said Application No.436 of 2007 is ordered to be heard alongwith the appeal.

3. In so far as present application is concerned, the same can be allowed without prejudice to the rights and contentions of the appellant in Civil Application No.436 of 2007. Accordingly, application is allowed in terms of prayer clauses (a) and (a1). It is made clear that all the contentions of the appellant which are raised in Civil Application No.436 of 2007 are expressly kept open.

JUDGE